

**PROPOSED AMENDMENTS  
TO THE  
CALIFORNIA CODE OF REGULATIONS  
TITLE 23, WATERS  
DIVISION 3, STATE WATER RESOURCES CONTROL BOARD  
CHAPTER 18, PETROLEUM UNDERGROUND STORAGE TANK  
CLEANUP FUND REGULATIONS**

**NOTICE OF PROPOSED  
RULEMAKING**

**JANUARY 2000**

**STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF CLEAN WATER PROGRAMS**

## **NOTICE OF PROPOSED RULEMAKING**

### **TITLE 23. WATERS DIVISION 3. RESOURCES CONTROL BOARD CHAPTER 18. PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND REGULATIONS**

***NOTICE IS HEREBY GIVEN*** that the State Water Resources Control Board (SWRCB) proposes to amend, adopt or repeal the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### **PROPOSED REGULATORY ACTION:**

The SWRCB proposes to amend chapter 18, division 3, title 23 of the California Code of Regulations (commencing with section 2803), relating to the Underground Storage Tank Cleanup Fund program.

#### **PUBLIC HEARING:**

The SWRCB will hold a public hearing beginning at 10:00 a.m. on Monday, May 15, 2000 at the First-Floor Hearing Room, 901 P Street, Sacramento. The facility is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in the Informative Digest. The SWRCB requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The SWRCB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulations. The SWRCB will not accept oral statements subsequent to the public hearing.

#### **WRITTEN COMMENT PERIOD:**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the SWRCB. The written comment period closes at 5:00 p.m. on Monday, May 15, 2000. The SWRCB will only consider comments received by that time at the addresses below. The SWRCB will only consider comments regarding the proposed action. Written comments must be directed to:

Dee Dee Fiedler, Regulations Coordinator  
State Water Resources Control Board  
Division of Clean Water Programs  
Underground Storage Tank Cleanup Fund  
P. O. Box 944212  
Sacramento, CA 94244-2120

Comments may also be hand-delivered to 2014 T Street, Suite 130, Sacramento, CA 95814. The SWRCB will not accept comments submitted by electronic mail.

To be added to the mailing list for this rulemaking, and to receive notification of updates of this rulemaking, please leave a message at (916) 227-4701 (voice mail). Individuals who receive this notice by mail are already on the mailing list.

#### **AUTHORITY AND REFERENCE:**

The SWRCB has the authority to propose these regulations pursuant to Health and Safety Code section 25299.77. Reference for these regulations is chapter 6.75 of the Health and Safety Code, commencing with section 25299.10. References to specific code sections are identified in the proposed regulations.

#### **INFORMATIVE DIGEST/ PLAIN ENGLISH OVERVIEW:**

##### **STATUTORY AND REGULATORY BACKGROUND**

Pursuant to chapter 6.75 of the Health and Safety Code, the State Water Resources Control Board administers the Underground Storage Tank Cleanup Fund (Fund). The SWRCB has delegated administration of the Fund to the Division of Clean Water Programs (Division). The primary purposes of the Fund, as established in chapter 6.75, are to serve as a mechanism for owners and operators of petroleum underground storage tanks (USTs) to meet federal financial responsibility requirements, and to provide financial relief to owners and operators of USTs by reimbursing certain costs to clean up sites contaminated by leaking USTs. The Fund also provides an incentive for owners and operators to comply with applicable UST laws by reimbursing only those persons who have complied with the laws.

Pursuant to Health and Safety Code section 25299.77, the SWRCB initially developed emergency regulations to implement chapter 6.75. The initial regulations took effect December 2, 1991, and were subsequently amended on December 27, 1994 and August 6, 1996.

##### **NATURE OF PROPOSED REGULATORY ACTION**

The proposed amendments to the Fund's regulations are necessary to interpret, clarify, and implement legislative changes made to chapter 6.75 of the Health and Safety Code pursuant to chapter 611, statutes of 1996 (Thompson) (Senate Bill 562), chapter 328, statutes of 1999 (Sher) (Senate Bill 665), and chapter 812, statutes of 1999 (Sher)

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(Senate Bill 989). The changes to the Fund's regulations that the SWRCB proposes to effect these three senate bills include the following:

*Regulatory Technical Assistance:* Senate Bill 562 added regulatory technical assistance as a cost eligible for reimbursement from the Fund. Senate Bill 665 further defined regulatory technical assistance and placed a limit of \$3,000 per occurrence on reimbursement for regulatory technical assistance. The proposed amendments define regulatory technical assistance consistent with Senate Bill 665 and implement the limitation on reimbursement.

*Petitions for Site Closure:* Senate Bill 562 added Health and Safety Code section 25299.39.2 to address the closure of a UST site. Senate Bill 665 clarified the process for requesting closure by the SWRCB. The statutory amendments allow a UST or residential tank owner or operator, or other responsible party, who believes that the corrective action plan for a site has been satisfactorily implemented, but who has not been granted site closure, to petition the SWRCB for review of the case. The proposed amendments set forth the petition processes.

*Revised Definition of Site:* Senate Bill 665 revised the definition of site in Health and Safety Code section 25299.23.1. The proposed amendments harmonize and clarify the definition of site consistent with Senate Bill 665.

*Revised Pre-Approval Procedures:* Senate Bill 665 added a provision to Health and Safety Code section 25299.37 requiring the SWRCB to review requests for pre-approval within 30 days of receipt by the SWRCB and allowing an owner or operator to petition for SWRCB review when staff denies a pre-approval request. The proposed amendments incorporate these changes in law and specify the petition process.

*Costs Advanced by Insurance Companies:* Senate Bill 665 clarified the circumstances in which costs advanced by insurance companies may be reimbursed from the Fund. The proposed amendments incorporate the revisions made by Senate Bill 665.

*Increase in the Maximum Reimbursement:* Senate Bill 989 increased the amount of funds available for corrective action and regulatory technical assistance costs. Pursuant to chapter 6.75, eligible owners and operators may receive reimbursement for up to \$1 million, less a deductible equal to the owner or operator's financial responsibility, for corrective action, regulatory technical assistance, and third party costs. After an eligible owner or operator reaches the \$1-million limitation, Senate Bill 989 makes available an additional \$500,000 that may be reimbursed from the Fund for corrective action and regulatory technical assistance costs. The proposed amendments set forth the new reimbursement limitations.

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In addition, the SWRCB has determined that it is necessary to amend the Fund's regulations to clarify ambiguities in the existing regulations, implement the SWRCB's precedential orders, and address issues previously unforeseen by the SWRCB.

Finally, as explained in the statement of reasons, the SWRCB has proposed certain changes to the regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision (i.e., changes without regulatory effect). These changes without regulatory effect include changes made for purposes of revising structure, syntax, cross-references, grammar, or punctuation, or renumbering or relocating regulatory provisions. In many cases, the SWRCB has explained these changes in the statement of reasons to avoid any confusion with the substantive revisions. To the extent that many of the changes without regulatory effect are nonsubstantive and their purpose is self-evident and merely editorial they are not identified in this notice.

## **CHANGES WITH REGULATORY EFFECT**

The SWRCB proposes to adopt, amend, or repeal the Fund's regulations as follows:

### **Chapter 18 (generally)**

In many cases, the existing regulations apply to both residential tanks and USTs. The existing regulations, however, often refer solely to USTs, even though the regulations also may be applicable to residential tanks. The proposed amendments specify whether the regulations in chapter 18 are applicable to USTs, residential tanks, or both.

Health and Safety Code sections 25299.57 and 25299.58 provide for the reimbursement of a Fund claimant's eligible corrective action and third party compensation costs. Senate Bill 562 amended the Health and Safety Code to also include the cost of regulatory technical assistance as a cost eligible for reimbursement from the Fund. (Health & Saf. Code section 25299.57, subd. (j).) The proposed revisions throughout chapter 18 include regulatory technical assistance costs as reimbursable costs pursuant to statute.

### **Article 1. General Provisions**

**Section 2803** describes the applicability of the Fund's regulations. The proposed amendments to section 2803 update the section to reflect the proposed amendments to chapter 18, which include revisions to article 5 (appeal and petition procedures) and the addition of article 6 (procedures for closure petitions).

### **Article 2. Definition of Terms**

**Section 2804** defines terms used throughout the Fund's statute and regulations. The proposed regulations define additional terms to clarify the meaning of those terms

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and to avoid any inconsistency in their use. The proposed regulations also delete certain definitions because the terms are not used in the statute or regulations and therefore, the definitions are unnecessary. Additionally, the proposed amendments update the definitions of certain terms to more precisely explain the meaning of those terms and to ensure consistency with the governing law.

### **Article 3. Financial Responsibility Requirements**

**Article 3** establishes financial responsibility requirements for owners and operators. The proposed amendments replace the conjunction “and” with “or” throughout this article to conform to the language of the Federal Act (as defined in section 2804 of the Fund’s regulations).

**Section 2806.1** establishes the dates for compliance with the financial responsibility requirements. The proposed amendments clarify that the compliance date is determined by the characteristics of the owner. This revision is consistent with the federal requirements contained in 40 Code of Federal Regulations, section 280.91.

**Section 2807** establishes the federally required financial responsibility amounts. The proposed amendments clarify that, in conformity with the Federal Act, the required financial responsibility coverage does not in any way limit the liability of the owner or operator.

**Section 2808.1** describes the use of the Fund to meet financial responsibility requirements. The proposed amendments delete a provision concerning the SWRCB’s right to increase the minimum levels of financial responsibility because it unnecessarily duplicates the governing statute.

**Section 2808.2** identifies the amount of Fund coverage available to eligible owners and operators to reimburse certain costs incurred by an owner or operator. The proposed amendments identify the additional \$500,000 available for corrective action and regulatory technical assistance costs pursuant to Senate Bill 989.

**Section 2808.3** establishes the scope of Fund coverage for an owner or operator who is using the Fund to demonstrate financial responsibility. The proposed amendments delete certain provisions that set forth applicable financial responsibility requirements because these provisions are already set forth in section 2808.1 and are unnecessarily duplicated in this section.

**Section 2809.1** establishes the recordkeeping requirements for an owner or operator who must demonstrate financial responsibility. The proposed amendments clarify that a chief financial officer’s letter must be maintained in addition to the certification of financial responsibility.

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#### **Article 4. The Fund**

**Section 2810** identifies the types of claims that are permitted against the Fund. The governing statute permits claims for corrective action, third party compensation, and regulatory technical assistance costs. The proposed amendments delete the reference to a claim for pre-approval of estimated corrective action costs as a permissible type of claim against the Fund. In addition, the proposed amendments clarify that a separate claim must be submitted for each occurrence.

**Section 2810.1** identifies who is eligible to file a claim against the Fund. The proposed amendments reorganize the regulation to clarify who is eligible to recover third party compensation costs, and also to clarify that only an owner or operator who has paid or will pay for the costs claimed may file a claim against the Fund. The proposed amendments delete eligibility requirements that already are contained in section 2811 in order to eliminate unnecessary duplication. Pursuant to statute, the proposed amendments allow a person to file a claim against the Fund if (i) he or she owns the property on which an unauthorized release occurred, (ii) the release was the subject of corrective action performed and completed by a person eligible for reimbursement from the Fund, and (iii) additional contamination from the same release has been discovered.

Additionally, under existing Federal and California law, both the owner and operator of a UST are responsible for complying with UST laws (including permitting, reporting and corrective action requirements). The current regulation prohibits a person who purchases or acquires real property on which a UST is located from filing a claim against the Fund if the previous owner or operator would have been ineligible to file a claim. The proposed regulation closes potential loopholes in the existing regulations that may allow an ineligible UST owner or operator to create eligibility by transferring operation of the UST. The proposed amendments specify that if an owner is ineligible, then the operator is ineligible. The proposed amendments provide an exception for owners or operators who acquired or began operating the USTs in reliance on an environmental site assessment meeting certain criteria that allow the owner or operator to demonstrate that the costs claimed are not attributable to a prior, ineligible release.

**Section 2811.1** establishes the criteria for placement in a particular priority class. The proposed amendments eliminate the domiciliary requirements for priority class C in order to conform to the governing statute.

**Section 2811.2** establishes claim application requirements for claimants seeking reimbursement of corrective action costs. The proposed amendments identify additional information that is necessary to process a Fund claim application. The proposed amendments require an owner to identify both the former owner of the site and the former owner of the UST that is the subject of the claim so that the SWRCB can determine whether or not a claimant has acquired the site from an eligible UST owner. The proposed amendments also identify the documentation a claimant must submit to support its assignment to a particular priority class.

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**Section 2811.3** establishes claim application requirements for claimants seeking reimbursement of third party compensation costs. The proposed amendments describe with greater particularity the documents that must be submitted as part of the claim application. The proposed amendments also require a claimant to agree that the SWRCB may conduct an audit of a claim honored by the SWRCB.

**Section 2811.4** establishes requirements for pre-approval of a bid for preparing or implementing a workplan or corrective action plan. Existing law allows the Division to approve bids as reasonable. The proposed amendments replace the phrase “cost estimate or bid” with the phrase “proposal or bid” and make changes for purposes of clarification. The proposed amendments allow the Division to approve proposals or bids as reasonable and necessary. The proposed amendments also incorporate Senate Bill 665’s requirement that the SWRCB act on a request for pre-approval within 30 days of receipt of the request. Further, the proposed amendments allow for petition to the SWRCB if the staff denies a request for pre-approval.

**Section 2812** establishes the general procedures for seeking Fund reimbursement. The proposed amendments update the invoice requirements to require greater detail and more information on the invoices so that Division staff has sufficient information to review a reimbursement request. The proposed amendments require a claimant, who has received reimbursement from the Fund, to pay the party who performed the work within 30 days or to return the unpaid monies to the SWRCB.

**Section 2812.1** establishes the requirements for procuring consultant and contractor services and obtaining three bids for corrective action work. The proposed amendments specify that contractors prepare bids and professional geologists and engineers prepare proposals. The proposed amendments also contain nonsubstantive changes for purposes of clarity and organization.

**Section 2812.2** identifies costs that are eligible for Fund reimbursement. The proposed amendments identify previously ineligible costs that now may be eligible as costs of regulatory technical assistance. The proposed amendments allow reimbursement of attorneys’ fees incurred to provide regulatory technical assistance. The proposed amendments delete the provision rendering costs associated with obtaining the services of contractors or consultants ineligible. The proposed amendments delete the provision disallowing costs associated with completing and filing claims.

Additionally, the proposed amendments identify as ineligible the added costs of implementing a corrective action alternative that is not the most cost-effective alternative to achieve cleanup levels identified as necessary by the regulatory agency. The proposed amendments identify as ineligible the costs of corrective action incurred to clean up a site to levels exceeding the cleanup levels identified as necessary by the regulatory agency.

The proposed amendments identify as ineligible the costs of regulatory technical assistance costs incurred prior to January 1, 1997, the effective date of Senate Bill 562.

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Further, consistent with Senate Bill 665, the proposed amendments limit the amount of regulatory technical assistance to \$3,000 per occurrence. To provide uniformity, the \$3,000-limitation applies to regulatory technical assistance costs received by the SWRCB on or after January 1, 2000, the effective date of Senate Bill 665. The proposed amendments prohibit reimbursement of costs associated with filing an application or reimbursement request to the extent the costs are incurred in response to a finding of noncompliance with the Fund's application or reimbursement requirements. The proposed amendments clarify that the costs associated with requesting a Final Division Decision and submitting a petition to the SWRCB are ineligible for reimbursement.

**Section 2812.3**, as amended, contains the prohibition against double payment that is currently located in section 2812.2. The proposed regulation establishes the SWRCB's procedures for determining whether a claimant will receive a double payment based on compensation the claimant has received from another source (such as a settlement payment or a reduced real property purchase price for contaminated property). This includes the Fund's treatment of costs advanced by an insurance company, as permitted by Senate Bill 665. The proposed regulation establishes procedures for reducing (or "offsetting") the amount of money that is determined to be a potential double payment. The proposed regulation also establishes procedures for the Fund to bear a fair share of a claimant's costs of obtaining a settlement payment or judgment for eligible corrective action costs, pursuant to the SWRCB's orders recognizing the common fund doctrine.

**Section 2812.5**, as amended, contains reimbursement limitations currently located in section 2812.3. The reimbursement limit has been modified so that it is consistent with the additional \$500,000 available pursuant to Senate Bill 989. The proposed amendments limit the amount of Fund reimbursement on a site reopened pursuant to statute. Reimbursement on a reopened site is only available to the extent that the previous corrective action costs for the same site do not exceed the reimbursement limit of \$1 million (less the claimant's level of financial responsibility), plus an additional \$500,000 for corrective action and regulatory technical assistance costs.

**Section 2812.8**, as amended, contains a provision regarding disqualification of Fund claims that is currently located in section 2812.6. The proposed amendments revise this provision to allow the SWRCB to disqualify a claim if the claimant makes a misrepresentation to the Fund.

**Section 2813** establishes procedures for the creation of the initial priority list. The proposed amendments delete this provision because the SWRCB has already adopted the initial priority list, and therefore, the existing regulation is unnecessary. The proposed section 2813 incorporates provisions currently located in section 2813.1 to establish procedures for creating priority lists that are adopted by the SWRCB at least annually. These procedures have been rewritten for clarity. The proposed amendments delete the provision in the current section 2813.1, concerning the submittal of additional information to process a claim, because it is unnecessary and redundant.

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**Section 2813.1**, as amended, contains provisions currently located in section 2813.2, which concern the effect of a claim's placement on the priority list. The proposed amendments establish the procedures for processing payment of a claim on a site that has been reopened. These revisions parallel the procedures in the governing statute.

**Section 2813.3**, which is currently numbered as section 2813.4, establishes the grounds and procedures for removing or suspending a claim from or on the priority list and for resubmitting a removed or suspended claim. Pursuant to statute, the proposed amendments allow the SWRCB to revoke a determination of a claimant's eligibility and bar the claimant from further participation in the Fund in the event of fraud or misrepresentation on the part of the claimant. The proposed amendments contain provisions governing the SWRCB's reinstatement of a suspended claim. The proposed amendments allow a claimant the opportunity to request review of Notice of Intended Removal by the Fund Manager or appeal the notice to the Division Chief in accordance with the proposed revisions to article 5. The proposed amendments allow a claimant to appeal the Division's decision to reject a claim before the claim is placed on the priority list. Finally, the proposed regulation has been rewritten for clarity.

#### **Article 5. Request for Review, Appeal, and Petition Process**

**Section 2814** currently establishes the procedures for appealing a staff decision to the Division Chief. The proposed amendments relocate the existing section 2814 to proposed section 2814.1. The proposed section 2814 establishes a claimant's right to request review by the Fund Manager of a decision rendered by Division staff, and sets forth the procedures for requesting review of the staff decision. The procedures for obtaining a Fund Manager Decision parallel the procedures already established for seeking review by the Division Chief.

**Section 2814.1**, which is currently numbered section 2814, establishes procedures for appealing to the Division Chief for review of a decision rendered by the Division staff. The proposed amendments allow a claimant to seek review of a Fund Manager Decision. The proposed amendments allow a claimant to appeal directly to the Division Chief, without first requesting review of a staff decision by the Fund Manager. The proposed amendments also change how the time period within which a claimant must file a petition for SWRCB review of a Final Division Decision is calculated. The SWRCB must receive the petition within 30 days of the date of the Final Division Decision.

**Section 2814.2**, which is currently numbered section 2814.1, establishes procedures for submitting a petition for review of a Final Division Decision to the SWRCB. The proposed amendments to the petition procedures require a claimant to submit a copy of the Final Division Decision that the SWRCB is requested to review. The amendments also clarify that the claimant must have complied with the appeal procedures and sought and obtained a Final Division Decision before petitioning the SWRCB for review. Additionally, the proposed regulation gives the Division the

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discretion to file a response to a claimant's petition for review, instead of requiring the Division to file a response.

**Section 2814.4**, which is currently numbered section 2814.3, specifies the actions that the SWRCB may take in response to a petition for review. The proposed amendments remove redundant language from the standard for the SWRCB to evaluate whether to review a petition. The proposed amendments also require an evidentiary hearing to be conducted in accordance with California Code of Regulations, title 23, division 3, chapter 1.5, article 2. In addition, the proposed amendments delete the provision stating that a petition will be deemed denied if the SWRCB does not act on it within 90 days.

**Section 2814.5** is added to establish procedures for the SWRCB's consideration of a proposed order in response to a petition for review of a Final Division Decision at a public workshop prior to the SWRCB's formal action at a SWRCB meeting. At the workshop, the SWRCB may invite comments on the proposed order. The proposed regulation also contains procedures by which a petitioner or interested person may request permission to submit factual material not contained in the record before the Division Chief.

#### **Article 6. Petitions for Site Closure**

Senate Bill 562 added Health and Safety Code section 25299.39.2 to address closure of a UST site. Senate Bill 665 revised the closure process by expanding the option to allow a UST or residential tank owner or operator, or other responsible party, who believes that the corrective action plan for a site has been satisfactorily implemented, but who has not been granted site closure, to petition the SWRCB for review of the case. The proposed regulations in this article have been added to establish procedures for filing and processing petitions for site closure.

**Section 2814.6** sets forth the prerequisites to filing a petition, and identifies the information that must be contained in the petition.

**Section 2814.7** identifies the actions that the SWRCB will take upon receipt of a petition. The proposed regulation also identifies the actions the SWRCB will take after reviewing the petition, record, and responses to the petition.

**Section 2814.8** establishes procedures for the SWRCB's consideration of a proposed order in response to a petition for site closure at a public workshop prior to the SWRCB's formal action at a SWRCB meeting.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

**MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS/FISCAL IMPACT:** The SWRCB has determined that the proposed action will not impose a mandate on local

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agencies or school districts. Additionally, the SWRCB has determined that the proposed action will not result in cost or savings to any state agency or any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of the Government Code, other nondiscretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State.

**EFFECT ON HOUSING COSTS:** The SWRCB has determined that the proposed action will not have a significant effect on housing costs.

**ADVERSE ECONOMIC IMPACT ON BUSINESSES/INDIVIDUALS:** The SWRCB has determined that the proposed action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed action will not have an adverse economic impact on individuals.

**EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESSES IN THE STATE OF CALIFORNIA:** The proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within the State.

**POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES:** Private persons and businesses that own or operate petroleum USTs should realize a cost savings as regulatory technical assistance costs will be included as an eligible reimbursable cost when applying to the Fund for reimbursement of corrective action costs.

## **PLAIN ENGLISH DETERMINATION**

The SWRCB has determined that the proposed amendments to the regulations affect small business. The SWRCB has conformed with the Administrative Procedure Act in drafting the proposed regulations in “plain English.”

The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

## **CONSIDERATION OF ALTERNATIVES**

The SWRCB must determine that no alternative considered by it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The SWRCB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the comment period.

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## **CONTACT PERSONS**

Requests for copies of the text of the proposed regulations, the Statement of Reasons, or other information upon which the rulemaking is based, or other inquiries, should be addressed to Dee Dee Fiedler, Division of Clean Water Programs, UST Cleanup Fund, P. O. Box 944212, Sacramento, CA 94244-2120, telephone (916) 227-4701.

The documents relating to this proposed action may also be found on the UST Cleanup Fund's website at the following address:

**<http://www.swrcb.ca.gov/~cwphome/ustcf/fundhome.htm>**

## **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The SWRCB has prepared an Initial Statement of Reasons for the proposed action. The statement includes the specific purpose for each amendment, interpretation, or requirement, and the factual basis for determining the necessity of each regulatory interpretation or requirement. The statement, the express terms of the proposed regulations, and all information on which the proposals are based are available from the agency contact person named in this notice.

The rulemaking file is available for inspection and copying throughout the rulemaking process at the Division of Clean Water Programs, 2014 T Street, Suite 130, Sacramento, California. As of the date that this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the text of the existing regulations, the express terms of the proposed regulations, and the Initial Statement of Reasons.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing, the SWRCB may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The SWRCB may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In such event the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment, at least 15 days before it is adopted.

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